

The Hon. Frank R. Wolf

Special Order on Guantanamo Bay Detainees

June 8, 2009

Thank you Madam Speaker. I rise today to speak about an issue of great importance to our country.

Shortly after I returned from a trip to Algeria in 1998 where thousands had been killed by terror attacks and in the wake of the two U.S. embassy bombings in Africa where 267 people were killed - including one of my constituents from McLean serving at the Nairobi embassy - I authored the bill creating a National Commission on Terrorism.

The commission's report in June 2000 provided evidence of the growing threat of international terrorism and the steps needed to combat the threat.

A Congressional Research Service report described the main finding of the commission this way: "It calls on the U.S. government to prepare more actively to prevent and deal with a future mass casualty, catastrophic terrorist attack." Regrettably the commission's recommendations were not implemented until after the attacks on 9/11 when 3000 people were killed, including 30 from my congressional district.

I was disappointed that both the Clinton Administration and later the Bush Administration did not take more seriously the recommendations of the commission.

I take seriously the responsibility of congressional oversight, especially in matters with potential national security implications.

Profound national security issues were of course thrust to the forefront on 9/11.

Following the attacks, Congress granted the President the authority, "to use all necessary and appropriate force against those ... [who] planned, authorized, committed, or aided the terrorist attacks" against the United States."

In the ensuing War on Terror, many individuals were captured and transferred to Guantanamo Bay. On January 22, 2009, in an attempt to fulfill his campaign pledge, President Obama issued an Executive Order requiring that Guantanamo be closed no later than one year from the date of issuance.

However, in the weeks and months following, the Justice Department, under the direction of Attorney General Eric Holder, has failed to provide necessary information to Congress regarding their plans for implementing this order.

**Dangers Posed By Guantanamo Detainees:**

Madame Speaker, it is important for the American people to know the full details on ALL detainees currently housed at Guantanamo Bay. They are not simply felons who are serving their time with the future of release. They are hardened terrorists bent on killing Americans.

The detainees already released have had a high rate of recidivism. The March 11 Washington Post detailed how a detainee recently released from Guantanamo Bay is now the operations commander of Taliban forces attacking U.S. and NATO forces in southern Afghanistan.

There also have been news reports that 61 of the detainees that were processed and released from Guantanamo Bay were recaptured fighting American forces. If those individuals were deemed safe to release

from custody yet returned to terrorist activities and killing Americans, what does that say about how dangerous the detainees still at Guantanamo Bay must be?

A recent New York Times article indicated that one out of every seven low security prisoners released from Guantanamo Bay were recaptured on foreign battlefields fighting American forces. What does this say about the threat from the medium and high security risk detainees still being held?

I was also troubled to read that five Guantanamo detainees described themselves as “terrorists to the bone,” and stated in a court filing that they describe their role in the 9/11 attacks as “a badge of honor.” These dangerous individuals simply cannot be transferred anywhere near large civilian populations.

Kahlid Sheik Mohammed was the architect of the 9/11 attacks and took pleasure in beheading Wall Street Journal reporter Daniel Pearl.

Ramzi Binalshibh was identified as one of the planners of 9/11 and was supposed to be one of the hijackers until he was denied entry into the United States. Walid bin Attash is believed to be the mastermind behind the bombing of the U.S.S. Cole in Yemen in 2000.

### **Transferring Detainees to the U.S.**

Madame Speaker, I am also concerned about the danger these individuals would pose were they placed in U.S. prisons or jails. These individuals are responsible for planning the deaths of thousands of Americans.

In the case against El Sayid Nosair, court tapes show that conspirators provided each other assurance that, in the event that some were captured, the others would work to free them. In addition, during the 2000 trial of Mahmud Salim, one of the terrorists accused of the 1998 bombing of the U.S. Embassy in Kenya, he stabbed New York prison guard Louis Pepe in the eye during an escape attempt.

Al Qaeda saw the rights given to its members to meet with counsel as an opportunity to carry out a violent escape attempt. Mr. Salim was one of the original followers of Osama bin Laden and the highest ranking al Qaeda member held in the U.S. at the time.

In addition to trying to escape from prison, al Qaeda members have communicated with confederates while in prison. It is my understanding that Nosair was involved in plotting the 1993 World Trade Center bombing while in custody in Attica State Prison. In addition, Osama bin Laden has publicly credited Sheik Abdel Rahman with issuing the “fatwa” that approved the 9/11 attacks while he was in federal prison, despite the high security confinement conditions imposed on him. It also emerged later that, with the assistance of his lawyer, Rahman was continuing to send instructional messages to the Islamic Group, his Egyptian terrorist organization.

In 2004, NBC News reported that, despite their incarceration in maximum security conditions convicted World Trade Center bombers were communicating by mail with terrorists in Madrid, Spain.

There would certainly be strong reasons to believe that detainees currently held at Guantanamo Bay -- who are known to have rioted and grossly abused prison guards -- would use their access to counsel and investigators in order to convey messages to their allies.

I am also concerned about the extra costs that will be incurred in preparing prisons and courthouses for possible trials. I understand that the courthouses in which prior terrorism cases were litigated and the prisons where defendants were held had to be “hardened” to accommodate terrorism prosecutions and the attendant threats they entail for participants and the public.

A recent New York Times article indicated that one out of every seven prisoners released from Guantanamo Bay and determined to be low security risks were recaptured on foreign battlefields fighting American forces.

What does this say about the danger posed by the medium and high security risk detainees still being held?

There have been numerous documented accounts of al Qaeda members using violence in prison attempting to escape. Newsday and the Buffalo News reported that during the 1995 trial in New York of Omar Abdel Rahman, the mastermind of the 1993 World Trade Center bombing, terrorist confederates of Nosair, were plotting to break him out of Attica State Prison in New York.

An appeals court brief for the trial of Nosair detailed the lengths al Qaeda operatives would go to break people out of prison. The appeals court brief states:

Mohammed Saad later described to Emad Salem a plan to break El Sayiid Nosair out of jail: he surmised that if he and Salem or others could get jobs with a contractor providing Attica Prison with sanitation or food services, and if Nosair could get a prison job that would physically situate him in the appropriate area, they might be able to snatch Nosair and hide him at a nearby apartment until it became safe to move him.

The brief goes on to state discuss several conversations Nosair's friends had with him while he was in Attica. Another portion of the brief talks about plans to murder someone who antagonized Nosair's supporters during the trial as well as the trial judge.

It also discusses Nosair getting angry that his friends weren't trying to free him. I quote:

"The four had a five-hour meeting in the visitors' room, during which Nosair railed at the evils of the United States and upbraided his callers for "sitting doing nothing" while he sat in jail for having done his "part" in jihad. When told of Saad's jail-break scheme, Nosair recounted that there had only recently been a great escape opportunity when he had been escorted to the prison hospital by two guards armed merely with pistols."

Nosair observed that the group should be targeting "the big heads," including Judge Alvin Schlesinger, who had presided over the trial and meted out Nosair's sentence, and New York City Assemblyman Dov Hikind. Nosair said the judge should either be kidnapped and held as a bargaining chip to trade for Nosair's release or killed.

The same brief goes into detail on the details these operatives had covered in order to help escaped prisoners leave the U.S.

Two agents detained Ibrihim El-Gabrownny and attempted to frisk him, explaining that they were there to execute a search warrant and that he should relax. El-Gabrownny became increasingly belligerent, ultimately struck both agents, and was thus placed under arrest.

On his person, the agents found an envelope containing a stack of documents that included: Nosair's American passport; an Egyptian air force document bearing Nosair's photograph; five passports issued by the government of Nicaragua in July 1991, depicting Nosair, his wife and their three children with false names assigned to each; five fraudulent Nicaraguan birth certificates exhibiting the same false names in which the passports had been issued; and Nicaraguan driver's licenses issued to Nosair and his wife in the same false names.

An indictment filed in federal court against Lynne Stewart in the case US v. Sattar discusses how followers of the Blind Sheik killed tourists in Egypt in an attempt to force his release from prison. The indictment states:

“On or about November 17, 1997, six assassins shot and stabbed a group of tourists visiting an archeological site in Luxor, Egypt. Fifty-eight foreign tourists were killed along with four Egyptians, some of whom were police officers. Before making their exit, the terrorists scattered leaflets espousing their support for the Islamic Group and calling for the release of Abdel Rahman. Also, the torso of one victim was slit by the terrorists and a leaflet calling for Abdel Rahman's release was inserted.”

On or about November 18, 1997, a statement issued in the name of the Islamic Group said, "A Gama'a unit tried to take prisoner the largest number of foreign tourists possible... with the aim of securing the release of the general emir.(commander) of the Gama'a al-Islamiyya, Dr. Abdel-Rahman."

The statement continued, "But the rash behavior and irresponsibility of government security forces with regard to tourist and civilian lives led to the high number of fatalities." The statement also warned that the Islamic Group “will continue its military operations as long as the regime does not respond to our demands.” The statement listed the most important demands as “the establishment of God’s law, cutting relations with the Zionist entity (Israel) ... and the return of our sheik[h] and emir to his land.”

On or about October 13, 1999, a statement in the name of Islamic Group leader Rifa'i Ahmad Taha Musa, a/k/a “Abu Yasir”, who is a co-conspirator not named. as a defendant herein, vowed to rescue Abdel Rahman and said that the United States’ “hostile strategy to the Islamic movement would drive it to "unify its efforts to confront America’s piracy.”

In or about March 2000, individuals claiming association with the Abu Sayyaf terrorist group kidnapped approximately 29 hostages in the Philippines, demanded the release from prison of Abdel Rahman and two other convicted terrorists in exchange for the release of those hostages, and threatened to behead hostages if their demands were not met. Philippine authorities later found two decomposed, beheaded bodies in an area where the hostages had been held, and four hostages were ‘unaccounted for.’

On or about September 21, 2000, an Arabic television station, Al Jazeera, televised a meeting of Usama Bin Laden and Ayman al Zawahir.

Sitting under a banner which read, "Convention to Support Honorable Omar Abdel Rahman," the three terrorist leaders pledged "made to free Abdel Rahman from incarceration in the United States. During the meeting, Mohammed Abdel Rahman, a/k/a "Asadallah," who is a son of Abdel Rahman, was heard encouraging others to "avenge your Sheikh" and "go to the spilling of blood."

These are extremely dangerous individuals who would require extraordinary precautions were they to be held in a prison while they were on trial. The court documents I have referenced tonight detail the lengths these individuals are willing to go to to set compatriots free. The list includes kidnapping and mass murder. It is imperative that the American people understand that these individuals will not be sent straight to a super max facility, but would instead be held in a local jail.

Not only would this place significant strains on the local prison guards and staff, it would require huge expenditures to “harden” the facilities to the point where they were secure enough to house high level threats.

People living in northern Virginia during the trial of Zacharias Moussaoui will recall that his trial took four years and was only ended when he pled guilty to most of the charges against him. For terrorists like Kahlid Sheik Mohammed, a trial and appeals process could take much longer than four years. Every day these dangerous individuals are in our prison system, the more danger they pose to everyone with whom they come in contact.

Prison guards and officials, judges, jurors and inmates families could possibly need extra protection from the threat posed by these individuals.

Some have stated that detainees would be sent directly from Guantanamo Bay to a U.S. supermax prison facility and the public should not be concerned. Yet if detainees from Guantanamo Bay are transferred for trial in civilian courts, they would have to be held in a facility near that venue. Often, these are local jails similar to the Alexandria jail that held Zacharias Moussaoui during the four years he was on trial in the Eastern District of Virginia.

Such a move could mean Kahlid Sheik Mohammed, the mastermind of the 9/11 attacks and the man who brutally beheaded Wall Street Journal reporter Daniel Pearl, could be housed in Alexandria for the duration of his trial. Similar trials in the past have taken more than four years.

Regardless of where these detainees are held, it should be in a location that ensures the safety of both those guarding the detainees and American citizens. My primary concern is that their presence in large civilian populations could invite additional attacks and endanger our citizens.

I take the oversight role of Congress very seriously and the fact that the Justice Department would take these actions without notifying members of Congress is incredible. These detainees could pose a serious threat to local communities and place an extraordinary burden on the cities where these individuals will be tried.

I believe Congress and the American people have a right to know the history of individuals the administration is intent on bringing onto U.S. soil. The Guantanamo Bay prison facility is closing.

Since the president has made that decision, we must know the facts to make informed decisions on the next step. My own view is that any trials or military commissions should be held on military bases far away from civilian population centers.

### **Uyghur Detainees**

Madam Speaker, much of the recent debate surrounding the closing of Guantanamo Bay has centered on a group of Uyghur detainees from China, who are members of the al Qaeda affiliated terrorist group, the Eastern Turkistan Islamic Movement (ETIM).

Last month, I became aware that Attorney General Eric Holder was planning on allowing these trained terrorists into the U.S. – without informing this Congress or the American people.

Newsweek magazine reported on June 1 that, “Administration officials were poised in late April to make a bold, stealthy move: they instructed the U.S. Marshals Service to prepare an aircraft and a Special Ops group to fly two Chinese Uighurs, and up to five more on subsequent flights, from Gitmo to northern Virginia for resettlement.

“In a conference call overseen by the National Security Council, Justice and Pentagon officials had been warned that any public statements about Gitmo transfers would inflame congressional Republicans, according to a law-enforcement official who asked not to be named discussing internal deliberations.”

The Newsweek report -- also confirmed by Bloomberg News -- makes clear that Attorney General Holder had every intention of releasing these trained terrorists into our communities.

I repeat: released into our communities. Not held in U.S. jails, but let free in our neighborhoods and communities.

And this administration expects you to take it at its word that these detainees are not a threat. That is unacceptable.

As some of my colleagues may be aware, I have long been an advocate for the Uyghurs, a largely Muslim people in western China. The 8 million Uyghurs have long been the objects of brutal Chinese oppression.

However, in the 1990s, a small number of Uyghurs began turning to terrorism to target the Chinese government and innocent civilians. They formed the terrorist organization now known as the ETIM. They moved to Afghanistan in 1998 at the invitation of the Taliban.

ETIM is linked to a number of terrorist attacks in China during the mid-1990s, including several bus bombings that killed dozens and injured hundreds of innocent civilians, as well as threats of attacks against the 2008 Olympics in Beijing, where people from around the world, including Americans, gathered.

Over the past decade, the group has predominantly operated out of Afghanistan and Pakistan and has developed close links with al Qaeda and the Taliban.

On August 19, 2002, then Deputy Secretary of State Richard Armitage designated ETIM as “a terrorist group that committed acts of violence against unarmed civilians.” The group was designated by the State Department under Executive Order 13224, “Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,” which defines terrorist as “activity that involves a violent act or act dangerous to human life, property, or infrastructure.”

Later in 2002, the U.S. Embassy in Beijing reported that two members of ETIM were deported from Kyrgyzstan (KEAR-GA-STAN) after allegedly plotting to attack the U.S. embassy there.

Following the attempted attack, the United Nations designated the ETIM as a terrorist group under Security Council resolutions 1267 and 1390, which provide for the freezing of the group’s assets.

In 2004, the State Department further added ETIM to the “Terrorist Exclusion List” under section 411 of the USA Patriot Act of 2001, which prohibits members of designated terrorist groups from entering into the U.S.

Just two months ago, on April 20th, the Obama Administration added the current leader of ETIM, Abdul Haq, to terrorist lists under Executive Order 13224, following U.N. recognition of Haq, as an individual affiliated with Osama bin Laden, al Qaeda, or the Taliban.

According to Stuart Levey, Treasury under secretary for Terrorism and Financial Intelligence, “Abdul Haq commands a terror group that sought to sow violence and fracture international unity at the 2008 Olympic Games in China.”

ETIM’s relationship with al Qaeda has grown increasingly since it was invited by the Taliban to conduct training in Afghanistan in the late 1990s. In 2005, Abdul Haq was admitted to al Qaeda’s “Shura Council.”

Additionally, on November 16, 2008, an al Qaeda spokesman “stated that a Chinese citizen named ‘Abdul Haq Turkistani’ was appointed by Osama bin Laden as the leader of two organizations – ‘al Qaeda in China’ and ‘Hizbul Islam Li-Turkistan.’” and also confirmed by Abu Sulieman, a member of al Qaeda.

It is abundantly clear that the Uyghur detainees held at Guantanamo Bay are affiliated with the ETIM and trained under Abdul Haq in 2001. According to the detainees’ own sworn statement to U.S. authorities, many acknowledged that they had trained in an ETIM training camp in Tora Bora from June to November 2001 and several confirmed that the camp was run by Abdul Haq.

Following the U.S. invasion of Afghanistan in fall 2001, it is clear that cooperation between ETIM and the Taliban increased. It is reported that the ETIM’s leader prior to Abdul Haq, Hasan Mahsum, “led his men to

support Taliban and fight alongside them against U.S. and the coalition forces. On October 2nd, 2003, Hasan Mahsum was killed, along with 8 other Islamic militants, by a Pakistani army raid on an al Qaeda hideout in South Waziristan area in Pakistan.”

Additionally, a January 2008 al Qaeda in Afghanistan publication, “Martyrs in Time of Alienation,” identified 120 “martyrs” – including five Uyghur ETIM members who trained in Tora Bora – who fought with the Taliban in Afghanistan against U.S. troops. One is reported to

have been killed fighting U.S. forces during the invasion in 2001. Hasan Mahsum confirmed, prior to his death in 2003, that ETIM members trained and fought with al Qaeda forces in Afghanistan.

In addition to their affiliation in a designated terrorist organization and association with al Qaeda leader Abdul Haq, these detainees fervently believe in the creation of a Taliban-style Islamist state in northwestern China and do not share American values of respect, tolerance, and religious pluralism.

In fact, the LA Times recently reported that, “Not long after being granted access to TV, some of the Uyghurs were watching a soccer game. When a woman with bare arms was shown on the screen, one of the group grabbed the television and threw it to the ground, according to the officials.”

I am certainly no friend of the Chinese government. I have long been critical of their repressive treatment of Uyghur Muslims as documented in the State Department’s most recent human rights report. But we ought to have no tolerance for terrorism in any form.

Further, violent aims of this nature do not know national boundaries. Thousands of Americans, including the president and high-ranking U.S. government officials, traveled to the 2008 Beijing Olympics, a stated terrorist target for the ETIM.

If their affiliation, associations, and recent behavior were not troubling enough, I am also concerned about their potential further radicalization over the past eight years while held with al Qaeda members at Guantanamo Bay. Without a declassified threat assessment, how can the American people know for sure if the Uyghurs have not been further radicalized since their capture?

How can we assess their potential threat once released into the U.S.? Will they attack Chinese targets within the U.S., provide intelligence to al Qaeda abroad, or even stage an attack on Americans at the direction of these terrorist groups?

Reports indicate that the ETIM’s philosophy has dramatically evolved as a result of their training and cooperation with al Qaeda and the Taliban over the last decade.

According to terrorism expert Rohan Gunaratna, “In the post-9/11 era, ETIM began to believe in the global jihad agenda. Today, the group follows the philosophy of al-Qaeda and respects Osama bin Laden. Such groups that believe in the global jihad do not confine their targets to the territories that they seek to control... [The ETIM] is presenting a threat to Chinese as well as Western targets worldwide.”

Without detailed information about each Uyghur detainee, including a threat assessment, the American people cannot be expected to tolerate trained terrorists being released into their communities.

That is not the transparency nor sound judgment Eric Holder promised he would bring to the Justice Department when he appeared before the House Commerce-Justice-Science Appropriations subcommittee last month.

If this administration will not share this information with Congress or the American people, how can we be expected to accept assurances that the Uyghur detainees they intend to release into the U.S. are not a threat.

Anyone who trains to kill civilians in Tora Bora, whose leader is a member of al Qaeda's Shura Council, does not share our most basic values of tolerance and diversity, and who may have been further radicalized over the last eight years is most unequivocally a terrorist and should not be released into the U.S.

And yet, this Congress and the American people are left in the dark about the administration's plans to release these detainees.

The American people deserve to know – and they have a right to know who the Attorney General is asking to place into their communities.

Eric Holder's failed attempt to secretly release these Uyghur detainees came in spite of ardent objections from the FBI and Department of Homeland Security, who were overruled by Eric Holder and the White House.

Last month, FBI Director Robert Mueller told the House Judiciary Committee that he was concerned that detainees from Guantanamo Bay could support terrorism or radicalize others, provide intelligence or financial support to terrorist networks, or even take part in terrorist attacks inside the U.S.

For Eric Holder to do this against the better judgment of the FBI and Department of Homeland Security -- and bipartisan objection from this Congress -- is unacceptable.

This flies in the face of bipartisan congressional opposition to the release of trained terrorists into the U.S., including Republican and Democratic leadership in the House and Senate.

Last month, the Senate followed the House's lead in removing funding for transferring detainees and demanding that this administration come clean with the American people about their intentions.

The Attorney General expects this Congress to sit idly by until after it announces it has released 17 Uyghurs held at Guantanamo Bay into the United States. Holder won't allow career FBI agents to even brief members on this.

I have asked for briefings from career employees at the FBI, CIA, and Department of Homeland Security – and have been told by each agency that the Attorney General will not allow them to meet with me. What is the Attorney General hiding?

Let me be clear: these Uyghers are trained terrorists who were caught in camps affiliated with Al Qaeda. Those who would use terror are terrorists, no matter their intended target.

I have consistently called on this administration to declassify and provide the American people with information regarding the capture, detention, and a threat assessment of each detainee they intend to release inside the U.S.

Regardless of their intended targets of terror, the American people deserve to know whether they have been even further radicalized due to their exposure to Al Qaeda leaders, such as Khalid Sheik Mohammed, and see the assessments of the threat they pose today.

I also worry about the impact the Uyghurs' release will have on our national security in the long-term. What message does their release into the U.S. send to Al Qaeda and other terrorist networks?

How can the Attorney General guarantee that the released Uyghurs will not stay in contact with their Al Qaeda and provide them with intelligence from within the U.S.?

If the Attorney General cannot, or will not, answer these questions than he should not even consider releasing them into the U.S.



This administration has a moral obligation to share this information with the American people.

Over the last month, both the House and Senate have stripped all funding for these transfers and inserted language into the fiscal year 2009 emergency supplemental bill that would have required the administration to provide the American people with a clear plan before any action was taken.

Since March, I have written the president, attorney general, and Secretary of Homeland Security asking for answers to these and other questions. And I still have not received a single response.

I repeat – not a single response after two months to some of the most basic questions about the administration’s plan.

For weeks, I asked the FBI for briefings daily – only to be told that the attorney general would not allow them to meet with Members on these issues.

And although the president delivered a speech on May 21 at the National Archives on the closing of the detention center at Guantanamo Bay and other national security matters, we have no more information about his plans to close Guantanamo than we did before.

We still don’t have any answers on which detainees Eric Holder is planning to transfer to the United States, where they will be tried, and how the Administration intends to protect the American people.

The Germans -- who had tentatively agreed to accept some of the Uyghur detainees -- have complained that the administration won’t share enough information with them for an independent assessment of the detainees’ security risk. According to the Washington Post, “More trouble emerged when Washington stipulated that the Uyghurs would be barred from traveling to the United States.”

And last week the Canadian government refused to accept these same Uyghur detainees citing serious security concerns.

Conclusion:

And so I close where I began. Congressional oversight is imperative—no more so than in matters with profound national security implications. And yet this Congress, and the American people, remain in the dark about the administration’s plans on this pressing issue.

This is no time for vague assurances. This no time to play fast and loose with critical information. This is no time for political games. The American people deserve more.